

Cleveland State University  
**EngagedScholarship@CSU**



---

Cleveland State Law Review

Law Journals

---

1961

# Recent Arm and Hand Damage Awards

Robert M. Hisnay

Follow this and additional works at: <https://engagedscholarship.csuohio.edu/clevstlrev>



Part of the [Legal Remedies Commons](#), and the [Torts Commons](#)

**How does access to this work benefit you? Let us know!**

---

## Recommended Citation

Robert M. Hisnay, Recent Arm and Hand Damage Awards, 10 Clev.-Marshall L. Rev. 272 (1961)

This Article is brought to you for free and open access by the Law Journals at EngagedScholarship@CSU. It has been accepted for inclusion in Cleveland State Law Review by an authorized editor of EngagedScholarship@CSU. For more information, please contact [library.es@csuohio.edu](mailto:library.es@csuohio.edu).

## Recent Arm and Hand Damage Awards

Robert M. Hisnay\*

A FEW WORDS about the skeletal makeup of the arm and hand are necessary, as amputation or fractures of the arm and hand are involved in the great majority of cases set forth below.

The large bone of the upper arm is the humerus. It is connected with the shoulder at its upper end by a ball and socket type joint. The socket portion of the joint on the shoulder is little more than a third of the area of the ball portion of the joint on the upper end of the humerus. Naturally this provides excellent rotation and motion but leaves the joint particularly susceptible to dislocation and damage by direct force.<sup>1</sup> Direct force to the humeral shaft usually results in a transverse or comminuted (crushed) fracture.<sup>2</sup>

The lower end of the humerus and the upper ends of the radius and the ulna (the lower arm bones, explained next), form the elbow joint, a hinge type joint allowing extension and flexion of the arm.<sup>3</sup> "Side swipe" elbow fractures sustained by arm-dangling motorists, as well as fractures resulting from a fall on the flexed elbow or upon the open hand are common, considered serious and very often result in permanent limitation of motion of the elbow joint.<sup>4</sup>

The parallel bones of the lower arm are the radius and the ulna. The shorter of the two (the radius) is on the thumb side of the arm and is considered to be the most often fractured of all of the bones of the body. The ulna is also frequently fractured, usually by direct violence. Once union of a fracture of these bones is achieved, however, recovery is good in most cases with little if any residual impairment.<sup>5</sup> The lower ends of the radius and ulna, together with the eight wrist or carpal bones form the wrist joint which permits a twisting of the hand from a palm

---

\* Pre-law studies at Fenn College; Second-year student at Cleveland-Marshall Law School.

<sup>1</sup> Brash (Ed.), *Cunningham's Textbook of Anatomy*, 249 and 357 (9th Ed. 1953).

<sup>2</sup> Cave (Ed.), *Fractures and Other Injuries*, 300 (1958).

<sup>3</sup> *Supra* note 1, at 361.

<sup>4</sup> 3 *Lawyers Medical Cyclopedia*, Secs. 10.24 and 10.25 (1959).

<sup>5</sup> *Supra* note 4 at Sec. 10.30.

up position (supination) to a palm down position (pronation). This joint also permits the hand to move in an up and down and side to side motion.<sup>6</sup> Fractures of the wrist may often result in a weakened and painful joint even where readily recognized and treated.<sup>7</sup>

The five metacarpal bones comprise the skeletal structure of the upper hand and together with the intercarpal joints,<sup>8</sup> the proximal and distal phalanges (sections) of the thumb, and the proximal, middle, and distal phalanges of the fingers constitute the bone structure of the entire hand.<sup>9</sup> Fractures and dislocations of the delicate hand structure are common and frequently produce a stiffness or loss of motion of the damaged joint or member.

### Evaluation of Disability

The ever-present question to be answered in personal injury cases, other than liability of course, is the measure of damages to which the plaintiff is entitled. Where the plaintiff has been left with a permanent total, or permanent partial disability, such disability must be properly evaluated and transformed into an element of a money award for damages in order that adequate compensation will be received by the injured party.

The problem of evaluating a permanent disability of the arm or hand is as medically complex as the multiplicity of functions which the member performs. Dr. Earl D. McBride, one of the leading authorities on the subject, has made a detailed review of disability of various members of the body and developed a functional measuring stick to ascertain on medical and scientific bases an evaluation of arm and hand injuries. Such evaluation, says Dr. McBride, should be made only after a thorough clinical examination for the injured party's capacity to resume his former occupation, adaptability, deformity, tenderness, muscle spasm, limited motion, shortening, atrophy, swelling, inflammation and malformation.<sup>10</sup>

Upon completion of the clinical observations, a series of arm and hand motor tests and measurements are conducted to de-

---

<sup>6</sup> *Supra* note 1 at 264, 365-367.

<sup>7</sup> *Supra* note 4 at Sect. 10.37.

<sup>8</sup> *Supra* note 1 at 269 and 368.

<sup>9</sup> *Supra* note 1 at 272 and 368.

<sup>10</sup> McBride, *Disability Evaluation*, 46-64 (5th Ed. 1953).

termine the functional impairment present in the injured member. The results of these tests are then evaluated as a percentage against the following basic elements of function and their relative values:

A. 10% Quickness of action.

Is alertness, quickness, grasping, striking, and reaching speed good or is inactivity, delay, dullness or sluggishness present, and to what degree? Evaluate as a percentage of 10.

B. 20% Coordination of movement.

Is there dexterity of finger, thumb, palm action? Are movements synchronized with the other hand and body movements and is there a smoothness and steadiness of action; have skilled attainments been retained or is awkwardness, clumsiness, and loss of skill present? Evaluate as a percentage of 20.

C. 20% Strength.

Is there power in the grasping, gripping, punching, pushing, turning, and striking of the affected member, or is weakness present? Evaluate as a percentage of 20.

D. 10% Security.

Is the affected member used with confidence and surety or is there uneasiness, nervousness or cautiousness; is the sense of touch and arm position reliable? Evaluate as a percentage of 10.

E. 20% Endurance.

Is there stability of grasp, grip, pinch, push and turn, or is use of the member accompanied by exhaustion, fatigue or limited persistence? Evaluate as a percentage of 20.

F. 10% Safety as a workman.

Is defensive ability present or is there vulnerability to injury; is possibility of injury to others present due to weakness, dropping, and misuse of tools? Evaluate as a percentage of 10.

G. 10% Prestige of normal physique.

Is there a soundness of appearance in hand and arm or is outward appearance such as to discourage potential employers from hiring? Evaluate as a percentage of 10.

The author states that the sum of losses for each function factor will therefore express a valid permanent impairment of the member examined firmly based on thorough examination and testing.<sup>11</sup>

Having developed a reasonable evaluation of the impairment sustained by the injured party, the physician's responsibility has ended. The assignment of monetary value to the various elements of damage sustained, including the disability present, if any, is the duty of the trier of fact based upon the evidence submitted to it. The following cases illustrate many elements of damages given consideration by the trier of fact as well as many examples of the relative position played in the final award by a permanent impairment suffered by the plaintiff.

## ARM

### Amputation

\$169,651, reduced 23.8% from \$222,640 for contributory negligence, was awarded to a 24-year old electrician's helper who was earning \$3,700 annually when he suffered an amputation of the right forearm, amputation of three fingers of the left hand, broken nose, lacerated face, traumatic neurosis and personality disorder, as a result of which he was 90% permanently disabled. *Fiskratti v. Penn. R. Co.*, 147 F. Supp. 765 (D. C., N. Y. 1957).

\$167,500, including \$17,500 to the parents, was awarded to a 4½ year old boy of a low intelligence level who lost his right arm and leg, and who was thereby totally disabled for life from manual labor occupations, the only type employment for which one of his intelligence level was suited. *Virginian Rwy. Co. v. Rose* (C. A. 4 W. Va.) 267 F. 2d 312, (4th Cir. W. Va.) cert. den., 361 U. S. 837, 4 L. Ed. 2d 77 (1959).

\$125,000, the damages as fixed by the court, was awarded to a 65 year old machinist who lost his left arm two inches below the elbow and who also suffered amputation of three fingers on his right hand, was hospitalized one month, suffered great pain, and has been thereafter unable to pursue any gainful employment. *Yost v. General Electric Co.*, 173 F. Supp. 630 (D. C. N. Y. 1959).

\$105,000, reduced from \$170,154, was awarded for amputation of an arm almost to the shoulder making use of an artifi-

<sup>11</sup> *Id.* at 54.

cial arm impossible, where the injured party was a 30 year old brakeman earning \$450 monthly, and where there was atrophy of the chest and shoulder muscles, muscle spasm of the lower back, and a mild vertebra fracture. *Hallada v. Great Northern Rwy. Co.*, 244 Minn. 81, 69 N. W. 2d 673 (rehear. den. April 1955).

\$90,000 award held not excessive despite short hospitalization and low medical expenses, where a 44 year old common laborer with an intelligence quotient of 90, earning \$4,000-\$4,500 per year sustained injury resulting in the loss of his left arm 8 inches below the elbow, and where future expenses for replacement of prosthesis and medical service would total \$8,000. *Pischitto v. Waldron*, 147 Conn. 171, 158 A. 2d 168 (1960).

\$80,000 award not excessive where made to a 28-year old illiterate man, father of four children, for loss of one arm above the elbow, and where such injury disabled him from his previous employment as an oil field roustabout. *Phoenix Indemnity Ins. Co. v. Givens*, 263 F. 2d 858 (5th Cir. 1959).

\$74,500 award was not excessive where made to 3 year old boy who sustained injuries requiring amputation of his left arm near the shoulder, and whose medical expenses were \$1,000 and whose future medical and prosthesis expense would be at least \$8,000. *Sherman v. City of Seattle*, -- Wash. 2d --, 356 P. 2d 316 (1960).

\$70,000 was awarded to a 48 year old man in previously good health for injuries resulting in the amputation of his arm 3½ inches from the shoulder thereby making the use of an artificial arm impossible. *Eizermann v. Behm*, 9 Ill. App. 2d 263, 132 N. E. 2d 788 (1956).

\$53,984 was awarded to an electrical lineman who sustained electrical burns resulting in the amputation of his forearms and hands midway between the wrists and elbows. *Pierce v. U. S.*, 142 F. Supp. 721, *aff'd*, 235 F. 2d 466, (6th Cir. 1956).

\$35,000 held not excessive where awarded to a 43 year old farm laborer who suffered amputations of his left arm at the elbow and two fingers of his right hand, whose lost earnings were \$1,000—2,000 and whose medical expenses were \$784. *Von Tersch v. Ahrendsen*, --Ia. --, 99 N. W. 2d 287 (1959).

\$30,000 award held proper where made to a 15 year old inmate of an insane asylum for injuries resulting in amputation of his arm between the shoulder and elbow, pain, suffering, and resultant loss of earnings. *Oliver v. State*, 17 Misc. 2d 1018, 186 N. Y. S. 2d 151 (1959).

\$35,000 awarded to a 24 year old farm and ranch worker with a life expectancy of 43 years for loss of his left arm, shoulder joint and muscles who incurred over \$1,900 medical and hospital expenses, was not excessive. *Pitman v. Baladez*, Tex. Civ. App., 304 S. W. 2d 601, (1957), *rev.'d other grounds*, 312 S. W. 2d 210.

### Permanent Injury

\$120,000 award was not excessive where 33 year old mother of two children suffered burns over 45% of her body with agonizing pain and resultant scarring and disfigurement which resulted in permanent impairment of movement of the joints at elbows, wrists, and fingers. *Spargur v. Dayton Power and Light*, 109 Ohio App. 37, 163 N. E. 2d 786 (1959).

\$98,482 award to a 69 year old building worker who sustained serious injury to his right elbow was held proper where injured party was unable to work since the accident and sustained an out of pocket loss of \$46,409. *McCallister v. New York City Housing Authority*, 24 Misc. 2d 270, 197 N. Y. S. 2d 337 (1959).

\$65,000 including \$19,000 for pain and suffering held not excessive where awarded to a 47 year old illiterate stevedore who suffered a comminuted fracture of the humerus, fractured ulnar styloid, laceration of the musculospiral nerve resulting in motion and sensory paralysis of the left arm and hand, and who was hospitalized 114 days, underwent extensive surgery three times, and was permanently disabled for lifting work. *Billini v. Refined Syrups and Sugars Inc.*, 156 N. Y. S. 2d 398 (Sup. Ct., 1956).

\$50,531 was not excessive where awarded to a 37 year old ironworker who sustained permanent injury to his left arm, and a fractured pelvis as a result of which he was disabled as a working unit 5-15%. *Chartier v. Winslow Crane Service*, -- Colo. --, 350 P. 2d 1044 (1960).

\$45,000 was not excessive where awarded to a 38 year old man earning \$4,742 annually with a life expectancy of 30.91 years for injuries consisting of contusions of the body and chest, transverse fracture of the humerus and fracture of both bones of the lower left arm, resulting in a permanent disability of the left arm, and where out of pocket expenses incurred amounted to \$7,244. *Gist v. Allentown Wholesale Distributing Co.*, 398 P. 428, 158 A. 2d 777 (1960).

\$32,911 award to a 50-year old millwright who suffered injuries resulting in 30% residual disability of his right arm, medi-

cal, hospital and nursing expenses, 25 months lost wages, future loss of wages, impairment of earning power, and past, present, and future pain, suffering, and inconvenience was warranted by the evidence. *San Felice v. U. S.*, 162 F. Supp. 261 (D. C. Pa. 1958).

\$30,000 award was made to a plaintiff who had sustained severe, extensive and permanent arm injuries which would cause a continued loss of future earnings, and who had sustained special damages of \$12,000. *Stuhlman v. New York City Omnibus Corp.*, 11 Misc. 2d 727, 178 N. Y. S. 2d 390 (1958).

\$20,000 award held not excessive where made to active 70-year old restaurant proprietor for injuries consisting of fracture of right wrist with deformity in healing, fracture of left elbow with resulting traumatic arthritis and deformity of elbow joint, weakness in both hands, 60% limitation of motion of right arm and where medical expenses were \$1,300 and salaries for additional restaurant help were \$2,500. *Hamilton v. Ross*, 305 S. W. 2d 812 (Mo., 1957).

\$18,431 awarded to 32 year old seaman consisting of \$975 loss of wages, \$5864 loss of earning capacity, \$6,000 pain and suffering, \$5,000 for permanent disability of left hand and \$595 for medical expenses was proper where seaman suffered comminuted fracture of left radius, fracture of ulna, fracture of pelvis, with resulting 15 to 20% permanent disability of left hand which would prevent him from returning to sea in his former capacity as able seaman. *Perez v. Omnium Trader*, 174 F. Supp. 876, (D. C. La. 1959).

\$16,000, including \$1,000 punitive damages, was awarded assault victim who suffered comminuted fracture right ulna, and fractured radius resulting in an obvious permanent deformity. *Tiberi v. Petrella*, 60 N. J. Super. 513, 159 A. 2d 439 (1960).

\$13,100 awarded to 42-year old woman who suffered injury to her right hand, arm, and elbow with resulting atrophy and loss of function in two middle fingers, main nerve damage, and who would experience pain on lifting heavy objects for the rest of her life, was not excessive. *N. Y. C. & St. L. R. Co. v. Shriner*, -- Ind. App. --, 154 N. E. 2d 394 (1958), *rev'd other grounds*, 158 N. E. 2d 157, *rehearing denied*, 159 N. E. 2d 574 (1959).

\$13,000 award was not excessive where made to a 54-year old woman for arm injuries resulting in between 50-75% permanent disability of normal use of her right arm and hand so that the hand was held somewhat rigidly in a claw-like position,



there was loss of flexicon and abduction of fingers, and the skin of the hand was shiny. *Stafford v. Fred Wolferman Inc.*, 307 S. W. 2d 468, (Mo. 1957).

\$12,000, as reduced from \$17,000 when such award held excessive, was warranted where 69-year old woman fractured her elbow and sustained loss of motion of about 5 degrees in pronation and about 10 degrees in supination. *Mendelovits v. Petal Realty*, 4 A. D. 2d 871, 167 N. Y. S. 2d 328 (1957).

\$10,000 was not excessive where awarded to a housewife who sustained injuries resulting in a partial loss of supination of right hand and forearm, and where the injured party incurred medical expenses of \$804.50. *Normand v. Thomas Theatre Corp.*, 349 Mich. 50, 84 N. W. 2d 451 (1957).

\$10,000 award held proper where made to an infant for injuries sustained when struck by a large pane of glass, causing cuts on the forearms, requiring an operation, and causing permanent injury. *Smith v. Earl Douglas Hanson Inc.*, 9 Misc. 2d 244, 170 N. Y. S. 2d 866 (1957).

\$9,000 awarded to a 44 year old man who sustained injuries resulting in almost complete loss of use of left elbow, and a fracture and dislocation of his right wrist was not excessive. *Ellis v. Henderson*, 142 W. Va. 824, 98 S. E. 2d 719 (1957).

\$8,500 was not excessive where awarded for injuries consisting of eight broken ribs, crushed chest, and a fractured elbow which was permanently injured to such an extent that it was still being treated six years after the accident. *Meir v. Holt*, 347 Mich. 430, 80 N. W. 2d 207 (1956).

\$8,000 awarded to a young married woman for injuries consisting of a compound fracture of the arm, with substantial loss of soft tissue, fractured shoulder blade, and facial lacerations, was not excessive. *Hightower v. Dr. Pepper Bottling Co.*, 117 So. 2d 642 (La. App. 1960).

\$8,000 was awarded to housewife who suffered comminuted fracture of bone in right forearm whereby she permanently lost a percentage of mobility in various directions, was unable to do all of her own housework or typewrite or play piano with facility; and such award was held justified by the evidence. *Peets v. U. S.*, 165 F. Supp. 177 (D. C. Cal. 1958).

\$5,140 award was held not excessive where made to a woman who suffered two broken ribs and a fractured right arm which became permanently shortened. *Adams v. Feck*, 303 S. W. 2d (Ky. App. 1957).

\$4,500 was awarded to a man who sustained fracture of left radius and ulna, spent six weeks in a cast with some atrophy and loss of power of left hand, and an approximate 25% restriction of wrist motion, and who incurred hospital bill of \$69.25. *Ortiz-Ortiz v. Carroll Transport Inc.*, 193 N. Y. S. 2d 803 (Sup. Ct. 1959).

\$3,500, as reduced from \$7,500, was awarded to plaintiff who sustained fracture of ulna and a hairline fracture of styloid which required the wearing of a cast for 2½ months, and resulted in some pain and restriction of movement of the wrist some 16 months after accident. *Pierson v. Hartford Accident & Indemnity Co.*, 107 So. 2d 465 (La. App. 1958).

\$3,000, as reduced from \$3,750, was awarded to a woman for a crushing and punching injury to her right arm which required several operations for removal of blood clots and caused bursitis, pain and suffering for a long period and resulted in some degree of disability. *Yarberry v. Shreveport Rwy.*, 117 So. 2d 637, (La. App. 1960).

\$2,895 awarded to state hospital patient who suffered an impacted fracture of the humerus with a resultant 25% permanent disability; the amount of the award was fixed by the court. *White v. State*, 18 Misc. 2d 441, 188 N. Y. S. 2d 865 (1959).

\$2,000 was awarded to husband of injured woman for loss of services inasmuch as comminuted fracture of right humerus sustained by woman prevented her from performing normal household duties for a long time after the accident. *Gish v. City of Los Angeles*, 5 Cal. Rptr. 65 (— Cal. App. 2d — 1959).

\$1,500 award for right arm injury affirmed where it appeared that, more than two years after the accident, injured party still suffered pain. *Bourgeois v. Fidelity and Casualty Co. of New York*, 102 So. 2d 532 (La. App. 1958).

### Temporary Injury

\$10,500, as reduced from \$20,000, was awarded to construction worker who became ill after receiving tetanus anti-toxin injection where the injection appeared to be but one cause of plaintiff's inability to flex fingers, and where such condition had not materially interfered with his work as a plumber nor substantially reduced the use of his hands. *Gorlin v. Master Contracting Co.*, 15 Misc. 2d 1, 180 N. Y. S. 2d 84 (1958).

\$9,500 was awarded to 4½ year old boy for shotgun wounds in left wrist, arm, and abdomen where court held original award

of \$19,000 to be excessive. *Reisweg v. Martinez*, 299 S. W. 2d 388 (Tex. Civ. App. 1957).

\$8,833 award held neither excessive nor inadequate where made to 27 year old mother of three children who sustained compound fracture of left arm, and was thereafter unable to do her housework, or lift the children, and where an operation would be required to restore the arm to good condition. *Zachary v. U. S. Fidelity*, 116 So. 2d 167 (La. App. 1959).

\$7,500 was awarded to woman who lost six months work due to having sustained a fracture of distal end of right radius and ulna, lip laceration and injury to right shoulder and neck. *Dienner v. Flannell*, 6 A. D. 2d 1028, 178 N. Y. S. 2d 252 (1958).

\$2,250 award was warranted by evidence where housewife fractured her arm and was incapacitated about four weeks but suffered no residual effect from injury. *Desmond v. State*, 4 Misc. 2d 6, 158 N. Y. S. 2d 146, (1956).

\$1,481 consisting of \$169 medical and hospital expenses, \$812 lost wages, and \$500 pain and suffering was awarded to plaintiff who sustained broken arm as result of a fall. *Mahoney v. U. S.*, 180 F. Supp. 310 (D. C. Ky. 1960).

\$1205 awarded for fracture of elbow was proper where plaintiff regained full use of arm. *Clohessy v. State*, 11 Misc. 2d 952, 173 N. Y. S. 2d 835 (1958).

\$381 was so inadequate as to require a new trial where awarded for injury to ulnar nerve requiring surgery, rupture of muscle in elbow causing  $\frac{3}{4}$  of an inch play in forearm, low back injury and a temporary partial disability for about a year. *Lane-gan v. Crawford*, 49 Wash. 2d 562, 304 P. 2d 953 (1956).

## HAND

### Amputation

\$68,500 held not excessive where awarded to railroad laborer with 16-year life expectancy earning \$250 monthly who sustained injuries resulting in loss of three fingers and injuries to the hand so severe as to require amputation. *Pavara v. Atchison T. and S. F. Rwy. Co.*, 61 N. M. 314, 299 P. 2d 1090 (1956).

### Permanent Injury

\$80,000, as reduced from \$100,000 at trial, was awarded to welder who sustained fractured hand leaving substantial disability for former climbing and skilled work and such verdict did not indicate bias; however, reversed on possible prejudicial

effect of improper blackboard presentation. *Cross v. Robert E. Lamb Co.*, 60 N. J. Super. 53, 158 A. 2d 359 (1960), *aff'd*, 32 N. J. 350, 160 A. 2d 350 (1960).

\$25,913 not excessive where awarded to oil field "roughneck" for crushed right hand resulting in a permanent disability to the hand of 30 to 35% where the award included \$1600 loss of wages, \$446 hospital expenses, and \$162 medical expenses. *Rocky Mountain Trucking Co. v. Taylor*, 79 Wyo. 461, 335 P. 2d 448 (1959).

\$25,000 award to semi-skilled laborer as a result of injury to his right hand was warranted when the evidence as to the nature of the injury, the effect of the injury on his ability to work again as a laborer, and his life expectancy and earnings was considered. *Smith v. Illinois Valley Ice Cream Co.*, 20 Ill. App. 2d 312, 156 N. E. 2d 361 (1959).

\$19,000 held not excessive where awarded to woman business machine operator who suffered injury to ulnar nerve in left hand and fractured sacrum, which interfered with her work and possibility for advancement and was accompanied by residual pain with only a 50-50 chance for improvement through surgery. *Taylor v. Pacific Container Co.*, 148 Cal. App. 2d 505, 306 P. 2d 1049 (1957).

\$15,500 was not excessive where awarded to a man who had previously lost his left arm and now sustained an injury resulting in partial permanent disability of right wrist and hand, and who continued to be employed in supervisory capacity by agency of Federal Government at \$3700 annually. *Leisure v. J. A. Bruening Co.*, 315 S. W. 2d 705 (Mo. 1958).

\$15,000 award was warranted by evidence where railroad car helper in repair yard sustained severe injury to hand and arm and endured excruciating pain for several days thereafter and considerable pain while in splints, and lost three months wages and suffered considerable impairment of earning capacity due to permanent weakness in forearm, wrist and hand, and would be subjected to future pain and suffering. *Missouri Pacific Rwy. Co. v. Prejean*, 307 S. W. 2d 284 (Tex. Civ. App., 1957).

\$15,000 damages fixed by court where 6-year old girl sustained injury resulting in tendonitis of hand requiring longtime therapy and surgery leaving a 25% permanent disability after these corrective treatments. *Trueman v. U. S.*, 180 F. Supp. 172 (D. C. La. 1960).

\$9000 was awarded to a dentist who sustained various injuries and contusions with the result that he sustained residual

damage to his hand and did not have full use of it, such award to compensate for the injury, and past, present, and future pain and suffering. *Arno v. State*, 20 Misc. 2d 995, 195 N. Y. S. 2d 924 (1960).

\$7500 award was made to a child for permanent numbness in his left hand which resulted from multiple puncture wounds and nerve damage. *Parrott v. U. S.*, 181 F. Supp. 425 (D. C. Cal. 1960).

\$3500 award held not excessive where made to a 17-year old boy whose right hand was crushed between tailgate of truck and building resulting in comminuted fracture and emulsion of soft tissue of hand, scars, some permanent injury, and soreness and stiffness of thumb. *Conley v. Berberich*, 300 S. W. 2d 844 (Mo. App. 1957).

\$2721 held not excessive where awarded to a woman boarding bus who sustained injury to right hand which resulted in permanent impairment of her earning capacity, and required surgery, and treatment for one year and nine months. *Rocray v. Pasadena City Lines Inc.*, 159 Cal. App. 2d 265, 323 P. 2d 722 (1958).

## FINGERS

### Amputation

\$32,000 award held not excessive where made to seaman machinist with 37-year life expectancy for injuries resulting in loss of thumb and index finger causing 75% loss of use of left hand. *Hudgins v. Gregory*, 219 F. 2d 255 (4th Cir. 1955).

\$15,000 was not excessive where awarded to a 58-year old auto mechanic who sustained numerous fractures of bones in right hand and amputation of fingers resulting in a disability for former work and who sustained loss of wages of \$7400. *Fletcher v. Kemp*, 327 S. W. 2d 178 (Mo. 1959).

\$12,000 awarded to 20-year old skilled workman earning \$4 per hour, for injuries resulting in loss of forefinger, next finger permanently bent, and little finger numb was not excessive where such injuries caused a 40% loss of usefulness of the left hand and where use of both hands was required in the course of employment. *Bramlett v. Watts*, 229 Ark. 331, 314 S. W. 2d 490 (1958).

\$5,035 where awarded to 33-year old man who lost end of second index finger and who suffered discomfort in finger,

hand and wrist and lost 50% of use of his fingers was not excessive where it was shown that salary declined from \$2700 to \$1600 annually after accident. *W. E. Grace Mfg. Co. v. Arp*, 311 S. W. 2d 278 (Tex. Civ. App. 1958).

\$3500 award was made to a seaman who sustained injury which resulted in amputation of the ring finger at the distal interphalangeal joint incapacitating him for duty for two months, and for pain, suffering, loss of wages, and permanent injury. *Maniatis v. The Archipelago*, 159 F. Supp. 245 (D. C. Va. 1958).

\$3500 was awarded to a woman who suffered amputation of her thumb when a heavy steel door slammed shut on it, such award to compensate for special damages, pain and suffering, and permanent disability. *Hovis v. P. and G. Boat Store*, 183 F. Supp. 810 (D. C. Mo. 1960).

\$2000 award held not excessive where made for injury requiring amputation at first joint of ring finger of left hand sustained while plaintiff was assisting defendant's son in operating a power saw. *Jones v. Izzo*, 21 Conn. Super. 28, 143 A. 2d 460 (1958).

### **Permanent Injury**

\$12,000 award held not excessive where made to 66-year old woman who supported invalid husband and family by housework earning \$30 per week, and who suffered fracture of three fingers which disabled her from employment. *New York, Chicago, and St. L. R. Co. v. Henderson*, 237 Ind. 456, 146 N. E. 2d 531 (1957), *rehearing den.*, 147 N. E. 2d 237 (1958).

\$6737 damages fixed by court where 52-year old bus driver sustained neck injury requiring therapy, and a fracture of little finger which was permanently stiffened, and where property damage was \$100 and loss of earnings was \$2637. *D'Amico v. Resnik*, 22 Misc. 2d 545, 197 N. Y. S. 2d 826 (1960).

\$6000 was awarded to an 18-year old girl who suffered an oblique fracture of proximal phalanx of left index finger which required cast and splint 8 weeks, treatment for 3 years thereafter leaving a permanent injury so that typewriting was possible only to a limited extent. *Corsaro v. Lustig*, 196 N. Y. S. 2d 797 (City Ct. 1960).

\$3043 award including \$543 special damages held not excessive where made to an elderly woman who sustained a crushed thumb which was thereafter permanently stiff and pain-

ful and interfered with plaintiff's use of crutches. *Stallard v. Witherspoon*, 306 S. W. 2d 299 (Ky. 1957).

## WRIST

### Permanent Injury

\$45,000 award held not excessive where made to electrician with 20-year life expectancy earning \$110 weekly who sustained fractures of both wrists which permanently disabled him from his former occupation. *Atherly v. MacDonald, Young, and Nelson Inc.*, 142 Cal. App. 2d 575, 298 P. 2d 700 (1956).

\$30,000 award made under F. E. L. A. to 51-year old boiler-maker whose earnings were about \$375 monthly who sustained a 50% permanent disability in the use of his right wrist resulting in permanent impairment of his earning capacity was not the result of passion and prejudice and would not be set aside. *Southern Rwy. Co. v. Stallings*, 268 Ala. 463, 107 So. 2d 873 (1958).

\$22,300 held not excessive where made to a longshoreman for permanent injuries to right wrist which were so severe so as to cause continued loss of time and which resulted in pain and suffering which would probably continue for an indefinite period. *Johnson Line v. Maloney*, 243 F. 2d 293 (9th Cir. 1957).

\$17,500 was awarded to 20-year old soldier who sustained injuries resulting in a 20% permanent partial disability of his left wrist and who, before entering the service, earned \$75 per week. *Caudill v. Victory Carriers Inc.*, 149 F. Supp. 11 (D. C. Va. 1957).

\$8000, including \$2600 special damages, was awarded to a waitress with an 18 year life expectancy earning \$60 weekly for injuries resulting in a permanent separation of bones at the wrist which interfered with her work. *Wolfe v. Mendel*, 165 Neb. 16, 84 N. W. 2d 109 (1957).

\$4131, including \$131 for medical expenses, was awarded to a 56-year old woman who sustained a multiple wrist fracture resulting in a slight deformity and a 10% residual disability. *Toppi v. Arbour*, 119 So. 2d 621 (La. App. 1960).

### Temporary Injury

\$5283 was not excessive where awarded to a farm worker for compound fracture of the left wrist. *Anderson v. Gorza*, 311 S. W. 2d 910 (Tex. Civ. App., 1958).

## SHOULDER

### Permanent Injury

\$52,000, reduced from \$75,000 as the alternative to a new trial being ordered, was awarded to plaintiff who suffered a dislocated and fractured shoulder, and pelvic fracture resulting in a 20% disability of left arm and 10% disability of back. *Cox v. Chicago, Rock Island and P. Rwy. Co.*, 250 Minn. 187, 84 N. W. 2d 263 (1957).

\$27,721 held not excessive where awarded to plaintiff who sustained shoulder injury in an auto collision and as a result suffered a permanent 20% loss of motion and would also experience pain for the remainder of his life. *Hodges v. Barerman*, 150 Cal. App. 2d 551, 310 P. 2d 24 (1957).

\$18,500 awarded to plaintiff who fell on left shoulder fracturing shoulder blade and who was hospitalized 7 days, spent three months at home, experienced severe pain, substantial loss of wages, returned to light work only, and suffered permanent limitation of movement of left arm and permanent pain in left shoulder was held not to be excessive. *Braden v. Shell Oil Co.*, 24 Ill. App. 2d 252, 164 N. E. 2d 235 (1960).

\$7080, including special damages for loss of earnings and hospital and medical expenses, was awarded to man for injuries which caused him to spend 10 weeks with arm in cast, sustained some atrophy of bicep and deltoid muscles and in general resulted in a 15% permanent partial disability of the right shoulder. *Ryan v. State*, 21 Misc. 2d 74, 197 N. Y. S. 2d 106 (1959).

\$4000 award held adequate where made to 48-year old housewife who sustained collarbone fracture and right shoulder dislocation necessitating several operations and resulting in permanent partial limitation of right shoulder and arm motion. *McDaniel v. Walker*, 111 So. 2d 208 (La. App. 1959).

### Temporary Injury

\$9000 held not excessive where awarded to 52-year old woman for injuries sustained when she was struck on right shoulder by crowbar which fell from third floor of building. *Husak v. Omaha National Bank*, 165 Neb. 537, 86 N. W. 2d 604 (1957).

\$7228, as reduced from \$8500 as excessive, was awarded to plaintiff who sustained fracture of lower edge of shoulder blade, sprain of back and other minor injuries. *Bowers v. Hardware Mutual Casualty Co.*, 119 So. 2d 671 (La. App. 1960).